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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO.       |
|---|-------------|----------------------|---------------------------|------------------------|
| 10/530,111  | 09/02/2005  | James Hoffman        | 657P003-US                | 2873                   |
| 42754   | 7590        | 11/25/2008           |                           |                        |
| Nields & Lemack<br>176 E. Main Street<br>Suite #5<br>Westboro, MA 01581 |             |                      | EXAMINER<br>OSMAN, RAMY M |                        |
|   |             |                      | ART UNIT<br>2457          | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>11/25/2008   | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/530,111

**Applicant(s)**

HOFFMAN ET AL.

**Examiner**

RAMY M. OSMAN

**Art Unit**

2457

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 20-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is responsive to amendment filed on September 4, 2008, where Applicant amended claims 1 and 24. Claims 1-11, 20-25 remain pending.

### ***Response to Arguments***

2. The previous 112 second paragraph rejections are withdrawn.

3. Applicant's arguments, filed 9/4/2008, with respect to the previous rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Austin et al (US Patent Publication No 2004/0024882).

### ***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 24 and 25 contain the limitation "computer readable medium". The meaning of this limitation is not ascertainable by referring to the specification. There is no clear support or antecedent basis for this limitation in the specification, and therefore the statutory scope of these claims cannot be determined. Appropriate correction is required (not in the form of new matter being introduced into the Application).

5. The amendment filed 9/4/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall

introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure are the submitted new paragraphs of [6.1] and [6.2].

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**7. Claims 1-3,5-8,20-25 rejected under 35 U.S.C. 102(e) as being anticipated by Austin et al (US Patent Publication No 2004/0024882).**

8. In reference to claims 1,24 Austin teaches a method and a respective computer program product of instructions both corresponding to operating a computer network server in a computer network having a central node wherein said network comprises at least one client authorized to access said server via said central node, comprising:

accessing said central node; obtaining the network addresses of said at least one client; initiating a computer network connection with said at least one client; receiving a request from said at least one client over said initiated connection; and responding to said request. ¶s 13,14,24,25,45-49,55)

9. In reference to claim 2, Austin teaches the method of claim 1, further comprising providing a network device, said network device being selected from the group consisting of

firewalls, proxy servers, and network translation devices, said network device being in the path between said server and said network (§§ 45-49,55).

10. In reference to claims 3,25 Austin teaches a method and a respective computer program product of instructions both corresponding to operating a computer network server in a computer network having a central node wherein said network comprises at least one client authorized to access said server, wherein said server has a listening port, accessible during a predetermined time, comprising:

maintaining a connection with a central node; receiving a command from said central node to open a listening port after said central node receives a request from said at least one client to access said server; opening said listening port; sending to said central node instructions for said client to connect to said server over said listening port; and receiving communication from said client over said listening port after said central node delivers a command to said at least one client to connect to said server (§§45-49,55).

11. In reference to claim 5, Austin teaches the method of claim 3, whereby said server closes said listening port after receipt of said communication (§§ 45-49,55).

12. In reference to claim 6, Austin teaches the method of claim 3, whereby said server establishes a network connection with said client after receipt of said communication (§§ 45-49,55).

13. In reference to claim 7, Austin teaches the method of claim 3, whereby said server closes said listening port if it receives communication from other than said at least one client (§§ 45-49,55).

14. In reference to claim 8, Austin teaches the method of claim 3, whereby said server maintains a persistent network connection to said central node (§s 45-49,55).

15. In reference to claims 20-23, these are system claims that correspond to the method claims of claims 3-8. Therefore, claims 20-23 are rejected based upon the same rationale as given for claims 3-8 above.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**17. Claims 4,9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Austin et al (US Patent Publication No 2004/0024882).**

18. In reference to claim 4, Austin teaches the method of claim 3. Hennessy fail to explicitly teach whereby said predetermined time is less than one second. However, "Official Notice" is taken that predetermined time periods of more than a second or less than a second are well known common practices in communication. It would have been obvious to modify Austin in order to establish communication in a timely manner.

19. In reference to claims 9-11, Austin teaches the method of claim 3. Austin fails to explicitly teach wherein the command, instructions and communication are encrypted. However, "Official Notice" is taken that encrypting communication packets is old and well known in the art for the purpose of establishing secure communications between sender and receiver.

Therefore, it would have been obvious for one of ordinary skill in the art to modify Austin wherein the command, instructions and communication are encrypted for the purpose of establishing secure communications between sender and receiver.

### *Conclusion*

20. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

21. Applicant may not introduce any new matter to the claims or to the specification. For any subsequent response that contains new/amended claims, Applicant is required to cite its corresponding support in the specification. (See **MPEP chapter 2163.03 section (I.) and chapter 2163.04 section (I.) and chapter 2163.06**)

22. In formulating a response/amendment, Applicant is encouraged to take into consideration the prior art made of record but not relied upon, as it is considered pertinent to applicant's disclosure. See attached Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/  
Primary Examiner (Temp), Art Unit 2457

November 21, 2008